



September 21, 2011

Oppose H.R. 2885, the “Legal Workforce Act”

Dear House Judiciary Committee Member:

On behalf of the Leadership Conference on Civil and Human Rights, we write to express our strong opposition to H.R. 2885, the “Legal Workforce Act.” H.R. 2885 offers a false promise of stopping unauthorized immigration through an expanded Electronic Employment Verification System (“EEVS”), or E-Verify program. In reality, the bill will instead harm millions of law-abiding American workers. We urge you to reject it.

H.R. 2885 will threaten the jobs of millions of U.S. citizens and other work-authorized individuals, particularly those not born in the U.S. The current E-Verify system only works about half of the time.^[1] That is, about half of those run through the system are misidentified as legal when they are not. Many others are flagged as unauthorized when they are, in fact, authorized to work. Among foreign-born communities, these error rates are *30 to 50 times higher* than for native-born U.S. citizens.

Once an error has occurred, resolving it is timely and expensive. Workers often must take unpaid time off to follow up with the appropriate government agency. Corrections at the Social Security Administration (SSA) usually take more than ninety days, require multiple trips to the office, and involve wait times of four hours or more per trip, according to the American Council on International Personnel. This is time and money that many workers cannot afford to lose.

H.R. 2885 encourages profiling of lawful workers, as under-trained employees may simply assume a worker is undocumented and erroneously fire or not hire them at all. Even well-intentioned employers will feel the need to “play it safe” by making prejudgments about workers based on appearance, accent, name – conduct prohibited by Title VII of the Civil Rights Act. Further, according to the U.S. General Accountability Office, the U.S. Citizenship and Immigration Service (USCIS) is limited in its ability to target and prevent such misuse of E-Verify and has little or no authority to impose penalties. Contrary to the assertions recently made by the Chairman, E-Verify will most definitely harm racial and ethnic minorities.

H.R. 2885 overburdens the SSA, threatening its core mission of serving disabled and retired Americans. While USCIS financially administers E-Verify, SSA manages

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^[1] <http://www.nilc.org/immsemplymnt/ircaempverif/Legal-Workforce-Act-imm-subcomm-testimony-2011-06-15.pdf>



90 percent of E-Verify queries, and SSA field offices must resolve any misclassifications of U.S. citizens. Using SSA databases and employees to confirm the employment status of *every American worker* under a national E-Verify program would cost an estimated \$9 billion over the next 10 years, according to a 2008 Congressional Budget Office report. In the first year alone, the plan would cost more than \$1 billion, or 10 percent of the agency's administrative budget. This financial and administrative burden – particularly without an increase in the agency's funding – would divert resources from the already struggling agency.

Finally, H.R. 2885 is not an effective tool to combat unauthorized immigration. Eight million unauthorized workers will not leave the U.S. because of H.R. 2885. Rather, they and their employers will likely instead 'move off the books' into the cash economy. This massive shift will cause drastic losses to federal, state, and local tax revenues, as well as to the Social Security trust fund, and will open the floodgates for employers to mistreat workers with greater impunity.

Rather than piling this bill on top of an already broken immigration system, we have long argued that Congress should instead adopt broad-reaching, comprehensive immigration reform.

We thus urge you to oppose H.R. 2885. Thank you for your consideration. If you have any questions, please feel free to contact Senior Counsel Rob Randhava at (202) 466-6058.

Sincerely,

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